

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

MICHAEL WAYNE PARSONS,
Defendant.

CASE NO: **4:17CR3038**

**ORDER ON
APPOINTMENT OF COUNSEL**

After appointing John Vanderslice as defense counsel in this case, (Filing No. 19), Defendant directed Mr. Vanderslice to not enter an appearance for Defendant, arguing that by doing so, Mr. Vanderslice would be conceding that the United States has subject matter jurisdiction over the Defendant in this action. Mr. Vanderslice moved to withdraw his prior entry of appearance.

The court granted Mr. Vanderslice's motion, but appointed him as Defendant's standby counsel. Mr. Parsons objected, stating he has a right to an attorney.

While Defendant he has the right to an attorney, that attorney cannot represent Defendant in this forum without entering an appearance as Defendant's attorney.

Defendant was advised that if he wants an attorney in this case, whether appointed or retained, he must permit that attorney must enter an appearance on Defendant's behalf. He was further advised that if he wants a court-appointed attorney, he must complete and sign a financial affidavit. To respect and preserve Defendant's confidentiality regarding his financial status, the completed financial affidavit will not be provided to the government and will be filed under seal. The court advised Defendant that is he completes and signs a financial affidavit and presents it to the court for consideration, the court will interpret receipt of the completed financial affidavit as Defendant's request for a court-

appointed attorney and will determine whether Defendant is entitled to court-appointed counsel based on that document.

Accordingly,

IT IS ORDERED:

1) John Vanderslice's motion to withdraw as Defendant's court-appointed counsel is granted, but he is appointed as standby counsel for Defendant. The clerk shall modify the court's docket sheet accordingly.

2) Whether Defendant retains an attorney or obtains a court-appointed attorney, Defendant is ordered to permit that attorney to enter an appearance in this court as the attorney for Defendant. Defendant is advised that an attorney's entry of appearance will not waive Defendant's right to challenge this court's subject matter jurisdiction over the charges in the indictment, and it will not waive Defendant's right to demand that the indictment be dismissed.

3) If Defendant wants a court-appointed attorney, he must complete and sign the financial affidavit and present it to the court for consideration. Defendant may forward this completed and signed financial affidavit to the court either through his standby counsel, or by mailing it to:

Clerk of the Court
United States District Court for the District of Nebraska
100 Centennial Mall North, Room 593
Lincoln, NE 68508-3803

4) The clerk shall provide a copy of this order, with the attached financial affidavit, to Defendant.

Dated December 20, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES ☐ DISTRICT COURT ☐ COURT OF APPEALS ☐ OTHER (Specify below)
IN THE CASE OF

_____. v. _____

FOR _____
AT _____

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

- 1 ☐ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Supervised Release Violator
5 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify) _____

DOCKET NUMBERS
Magistrate Judge
District Court
Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box→) ☐ Felony
☐ Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

INCOME & ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed										
		Name and address of employer: _____ IF YES , how much do you earn per month? \$ _____ IF NO , give month and year of last employment? _____ How much did you earn per month? \$ _____										
	OTHER INCOME	If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____										
		Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No <table><tr><th>RECEIVED</th><th>SOURCES</th></tr><tr><td>IF YES, give the amount received and identify the sources</td><td></td></tr><tr><td>\$ _____</td><td>_____</td></tr><tr><td>\$ _____</td><td>_____</td></tr><tr><td>\$ _____</td><td>_____</td></tr></table>	RECEIVED	SOURCES	IF YES , give the amount received and identify the sources		\$ _____	_____	\$ _____	_____	\$ _____	_____
RECEIVED	SOURCES											
IF YES , give the amount received and identify the sources												
\$ _____	_____											
\$ _____	_____											
\$ _____	_____											
CASH	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , total amount? \$ _____											
	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No <table><tr><th>VALUE</th><th>DESCRIPTION</th></tr><tr><td>IF YES, give value and description for each</td><td></td></tr><tr><td>\$ _____</td><td>_____</td></tr><tr><td>\$ _____</td><td>_____</td></tr><tr><td>\$ _____</td><td>_____</td></tr><tr><td>\$ _____</td><td>_____</td></tr></table>	VALUE	DESCRIPTION	IF YES , give value and description for each		\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____
VALUE	DESCRIPTION											
IF YES , give value and description for each												
\$ _____	_____											
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\$ _____	_____											
\$ _____	_____											

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS ____ Single ____ Married ____ Widowed ____ Separated or Divorced Total No. of Dependents _____	List persons you actually support and your relationship to them _____ _____ _____
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT \$ _____ \$ _____ \$ _____ \$ _____ MONTHLY PAYMENT \$ _____ \$ _____ \$ _____ \$ _____

I certify under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Date